

February 17, 2009

Mr. Stephen Wolfe On-Scene Coordinator, Superfund Division US Environmental Protection Agency ERB1, Response Section 1 25089 Center Ridge Road Westlake, OH 44145

Re:

Charles Lawson Trucking, Inc.
Diesel Release in Troy, Michigan

MDEQ Release # 892646 NRC Incident # 892743

Dear Mr. Wolfe:

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), was retained to coordinate remedial action on behalf of Charles G. Lawson Trucking, Inc. (Lawson Trucking) in response to a release of diesel fuel. We have prepared this letter to update the United States Environmental Protection Agency (US EPA) concerning the status of the subject incident and memorialize our understanding that no further action is necessary concerning the subject release and related regulatory incident numbers. Counsel for Lawson Trucking, Foley Baron & Metzger PLLC previously provided a similar brief summary to the Michigan Department of Environmental Quality (MDEQ) which also outlines equipment modifications and training action taken by Lawson, a copy of which is attached for your file.

Description of the Release Discovery

The release of the diesel fuel occurred on December 16, 2008 in the rear parking lot of Restaurant Depot, located at 1304 East Maple Road in Troy, Michigan. The source of the spill was determined to be a leaky fuel line fitting on a truck owned by Charles Lawson Trucking, which was parked in the southern parking lot of the Restaurant Depot facility. On December 16, 2008 a city of Troy public works employee apparently noticed a sheen on Barnard drain near the Restaurant Depot. Barnard Drain receives storm water runoff from the storm drain located in the Restaurant Depot parking lot. Sometime after discovery by the city of Troy public works employee, the Oakland County Drain Commission reported a suspected release to the Michigan Department of Environmental Quality (Michigan DEQ) and retained MPC Environmental to respond to the incident.

210 South Clark Street, Suite 2235 Chicago, Illinois 60603 Tel: 312-223-0920 Fax: 312-223-9664 http://www.burnsmcd.com

US EPA RECORDS CENTER REGION 5



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Response Activities

MPC Environmental mobilized to the site on the afternoon of December 16, 2008. MPC Environmental deployed oil absorbent booms in Barnard Drain and cleaned the oil affected storm sewer between Restaurant Depot and Barnard Drain. MPC Environmental monitored the condition of the boom, removed oil saturated booms, and deployed new Rubberizer booms, as needed. MPC Environmental also erected snow fence along the east side of Stephenson Highway and along the west side of a private road immediately south of 1400 Stephenson Highway, under the direction of the U.S. Fish and Wildlife Service. The purpose of this snow fence was to limit pedestrian access and to discourage oil-affected waterfowl from leaving the area.

On December 17, 2008, after sunset, Mr. Lawrence L. Fieber, PG of Burns & McDonnell visited the release area and performed visual and olfactory assessments of water conditions in Barnard Drain between Allen Drive and Interstate 75. On December 18, 2008, Burns & McDonnell assumed control of the remediation from the US EPA-lead regulatory response team. Shortly thereafter, Charles Lawson trucking entered into a retention agreement with MPC Environmental and arrangements were made to house oil affected waterfowl at an ITC warehouse at 44800 Woodward Avenue in Pontiac, Michigan (ITC warehouse), where waterfowl could be examined and cleaned by Tri-State Bird Rescue & Research, Inc. (Tri-State).

On December 18, 2008, MPC Environmental, at the request of Burns & McDonnell deployed additional Rubberizer booms in Barnard Drain southeast of 1400 Stephenson Highway. Also on December 18, 2008, the response team comprised of personnel from US Fish and Wildlife Service, Tri-State, Michigan Department of Natural Resources, Oakland County Drain Commission, Burns & McDonnell MPC Environmental and, Foley, Baron & Metzger, developed a plan to capture additional oiled waterfowl that were being baited near the south wall of 1400 Stephenson Highway.

On December 19, 2008, the water and shoreline of Barnard Drain exhibited no visual or olfactory evidence of petroleum impact. The response team continued preparation for capturing additional oiled waterfowl and continued preparation of the ITC warehouse where the waterfowl could be assessed, cleaned, and cared for.

On December 20, 2008, additional oiled waterfowl were captured near the south wall of 1400 Stephenson Highway and immediately were transferred to the ITC warehouse. In addition, waterfowl previously captured by Tri-State that had been held by the Michigan Humane Society, also were transferred to the ITC warehouse on December 20, 2008.

On December 22, 2008, with the approval of Ms. Tracy Kecskemeti of the MDEQ and James Wineka, PE of Oakland County Drain Commission, MPC Environmental removed



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oil absorbent booms from the Barnard Drain. On December 22 and 23, 2008, following a visual evaluation by Burns & McDonald, MPC Environmental also removed snow fencing and remediation supplies and equipment staged along Barnard Drain.

From December 20, 2008 until January 6, 2009, the ITC warehouse was utilized to clean and care for oiled waterfowl. On January 7, 2009, Howell Nature Center released the last three waterfowl from the location of their capture at 1400 Stephenson Highway in Troy, Michigan.

Summary and Conclusion

Emergency response remediation activities were initiated on December 16, 2008 and completed on December 23, 2008. Physical barriers against petroleum migration on Barnard Drain were deployed on December 16, 2008 and remained in place until December 22, 2008. Barnard Drain exhibited visible and olfactory indications of petroleum impacts east of I-75 to a bridge located southeast of 1400 Stephenson Highway on December 16, 17 and 18, 2009. By December 19, 2009, Barnard Drain exhibited no visual or olfactory indications of petroleum impact.

Oiled waterfowl were captured under the direction of the US Fish and Wildlife Service and Tri-State in an area adjacent to the south wall of 1400 Stephenson Highway on December 20, 2008. Tri-State personnel baited and observed waterfowl on December 21 and 22, 2008, and after consultation with the US Fish and Wildlife Service, determined that no additional waterfowl capture would be necessary.

On January 8, 2009, Foley Baron & Metzger, PLLC, on behalf of Charles Lawson Trucking, issued a report in compliance with a December 18, 2008 e-mail request of the MDEQ which outlined equipment modifications and training conducted by Lawson.

The pollution response was complete on December 23, 2008; the waterfowl response was complete on January 7, 2009; and Michigan DEQ reporting was completed on January 9, 2009. Based upon the information contained herein describing the completion of the pollution response, waterfowl response and state regulatory reporting obligations, Burns & McDonnell concludes that no further action is warranted or required concerning the referenced diesel release and associated incident numbers of the MDEQ and NRC.

Burns & McDonnell, on behalf of Charles Lawson Trucking, wishes to express its appreciation for the guidance and smooth transition of incident command by the US EPA and US Fish and Wildlife Service. We also wish to express our sincere appreciation for volunteer assistance provided by the Michigan Humane Society, Howell Nature Center, Michigan Department of Natural Resources, and at numerous other volunteers who helped capture, cleaned and care for the waterfowl affected by this incident. Charles



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Lawson deeply appreciates ITC's willingness to assist by making its heated warehouse of available on short notice and without restrictions. We deeply appreciate the help of the skilled regulators, willing corporate donors, and hard-working volunteers that helped complete this project promptly and efficiently.

We trust that this letter satisfies written reporting requirements, if any, of your agency. If you have questions or require additional information, please call the undersigned at (312) 223-0920 extension 2239.

Sincerely,

BURNS & MCDONNELL ENGINEERING COMPANY, INC.

Lawrence L. Fieber, PG *Principal*

Cc: Mr. Craig A. Czarnecki

Field Supervisor

US Fish and Wildlife Service

Department of the Interior

2651 Coolidge Road

Suite 101

East Lansing, MI 48823

Mr. James A. Wineka PE (Jim)

Environmental Engineer

Oakland County Michigan

Oakland County Drain Office

One Public Works Drive

Building 95 West

Waterford, MI 48328-1907

Richard S. Baron

Foley, Baron & Metzger, PLLC

Enclosure: Photographic Log

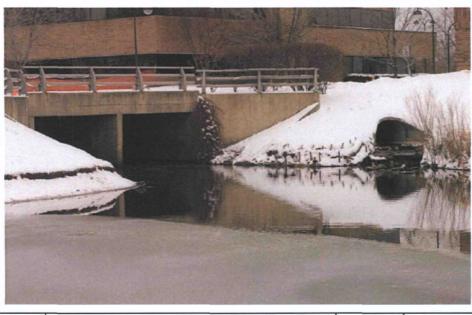
Foley, Baron & Metzger, PLLC January 8, 2009 Report to MDEQ

PHOTOGRAPHIC LOG



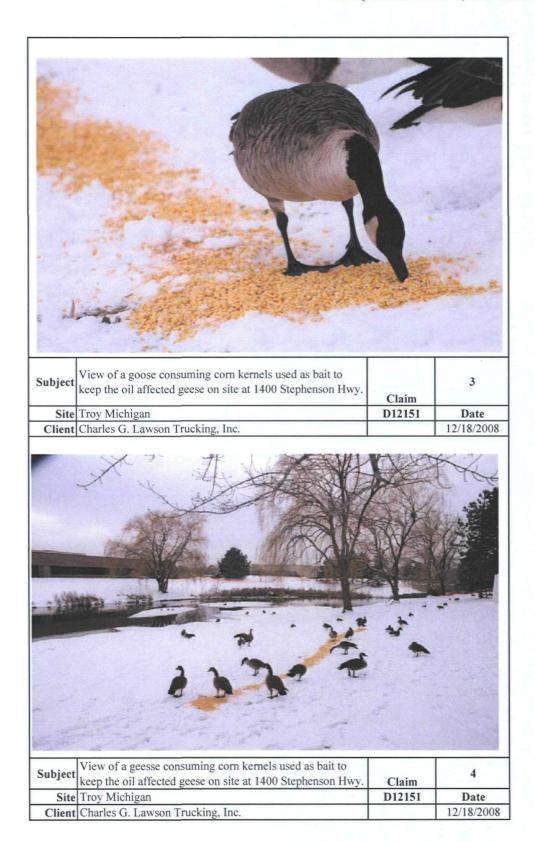


Subject	View of generated waste and remediation supplies staged on the bridge over Barnard Drain to the southeast of 1400 Stephenson Highway.	Claim	1
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008

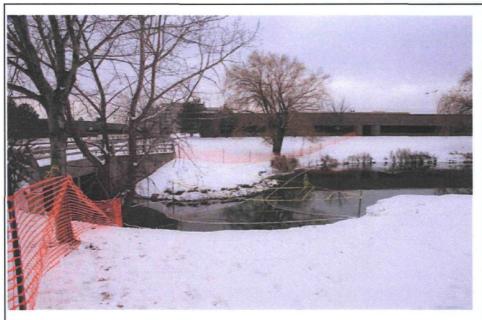


	View looking northwest toward the Barnard Drain on the east side of the bridge located southeast of 1400 Stephenson		2
	Highway.	Claim	
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008

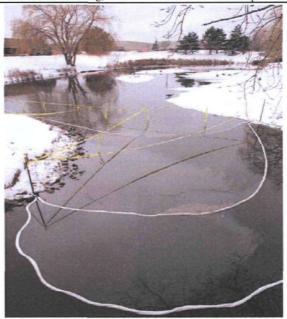






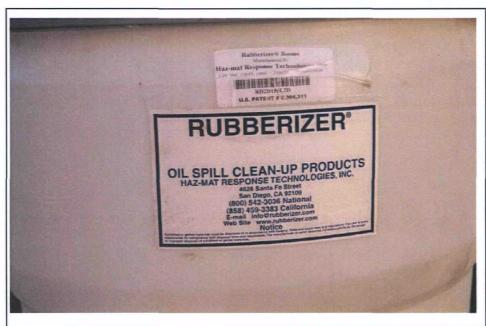


Subject	View looking south toward Barnard Drain located south of 1400 Stephenson Hwy.	Claim	5
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008

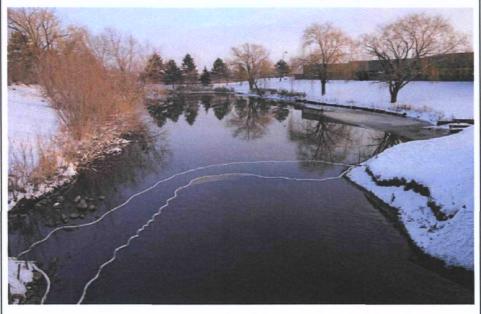


Subject	View looking west toward Barnard Drain located south of 1400 Stephenson Hwy. A petroleum sheen is visible.	Claim	6
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008



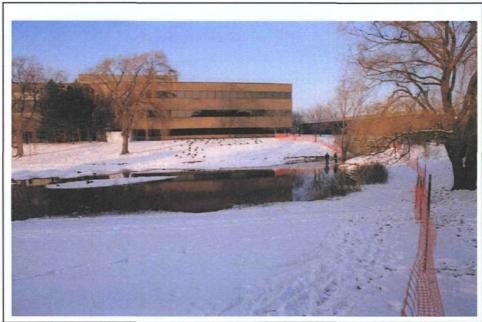


Subject	Shipping container label for the Rubberizer Booms used to remove petroleum sheen from Barnard Drain.	Claim	7
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008



Subject	View looking east toward Barnard Drain located southeast of 1400 Stephenson Hwy. Petroleum sheen is visible.	Claim	8
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008





Subject	View looking north across Barnard Drain toward 1400 Stephenson Hwy.	Claim	9
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008



Subject	View looking across Barnard Drain northwest toward 1400 Stephenson Hwy.	Claim	10
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/18/2008





Subject	View looking west toward Barnard Drain located southeast of 1400 Stephenson Hwy. No visible or olfactory indications of petroleum observed.	Claim	11
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



Subject	Exterior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	12
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008





Subject	Exterior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	13
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008

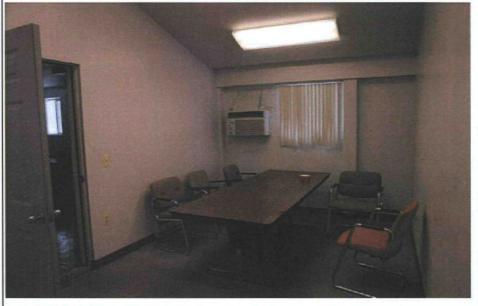


Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	14
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008





Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to	Claim	15
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008

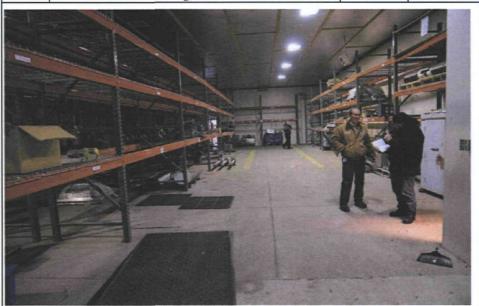


Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	16
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008





Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	17
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	18
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



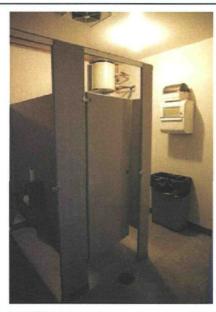


Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	19
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008

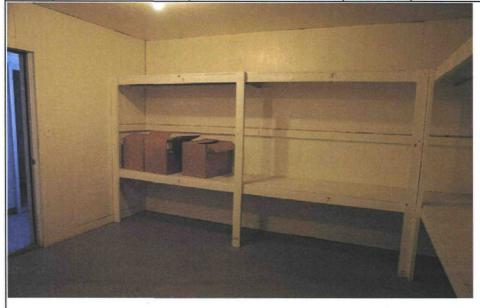


	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to		20
	occupancy).	Claim	
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008





Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	21
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	22
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



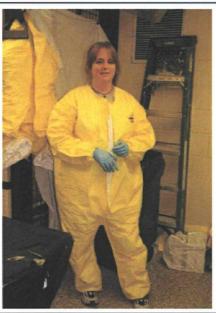


Subject	Interior view of the warehouse building at ITC's 44800 Woodward Avenue, Pontiac, MI facility (prior to occupancy).	Claim	23
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



Subject	View of Tri-State and volunteer personnel feeding a goose at Michigan Humane Society.	Claim	24
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



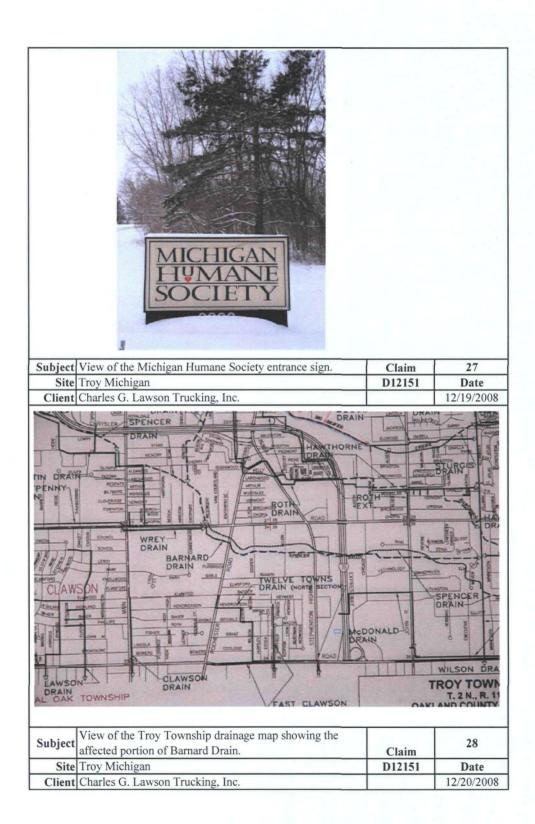


Subject One of the volunteers at the Michigan Humane Society.	Claim	25
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/19/2008

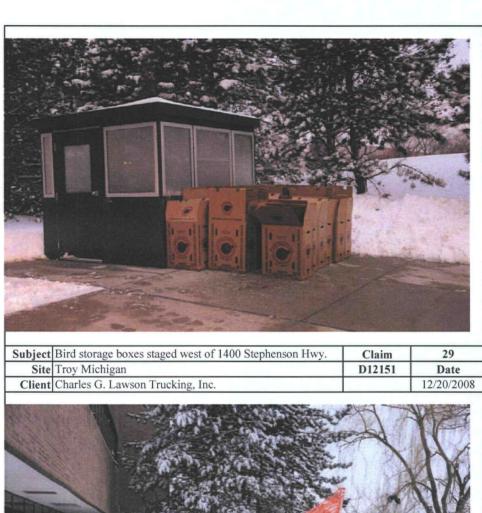


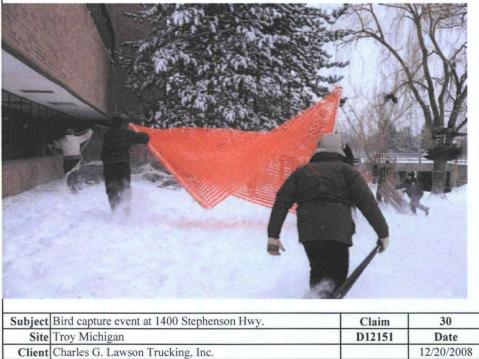
Subject	Exterior view of the Michigan Humane Society facility.	Claim	26
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/19/2008



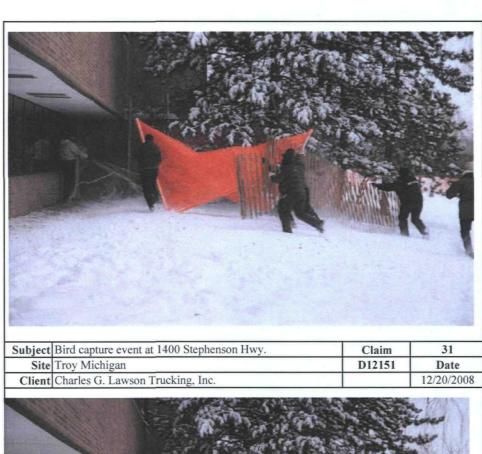


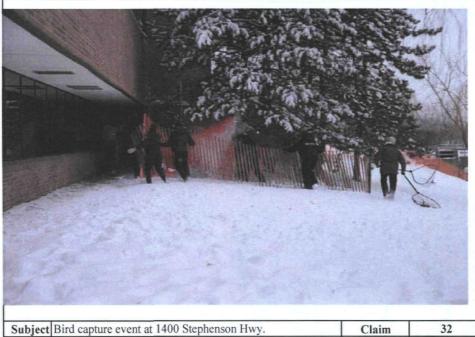












D12151

Date

12/20/2008

Site Troy Michigan

Client Charles G. Lawson Trucking, Inc.





Subject	Bird capture event at 1400 Stephenson Hwy.		33
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008

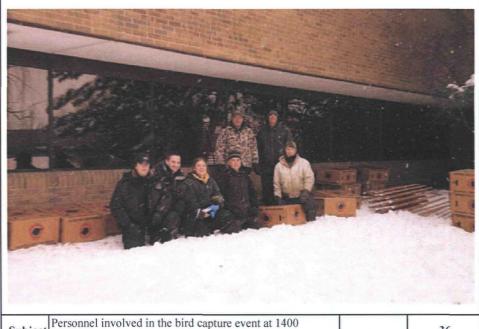


Subject Bird capture event at 1400 Stephenson Hwy.	Claim	34
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/20/2008





Subject Bird capture event at 1400 Stephenson Hwy.	Claim	35
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/20/2008



Subject	Personnel involved in the bird capture event at 1400 Stephenson Hwy.	Claim	36
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008





Subject	Personnel involved in the bird capture event at 1400 Stephenson Hwy.	Claim	37
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008

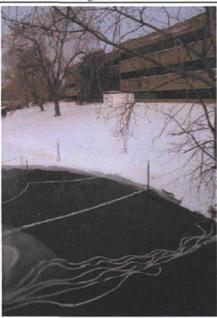


Subject	Personnel involved in the bird capture event at 1400 Stephenson Hwy.	Claim	38
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008



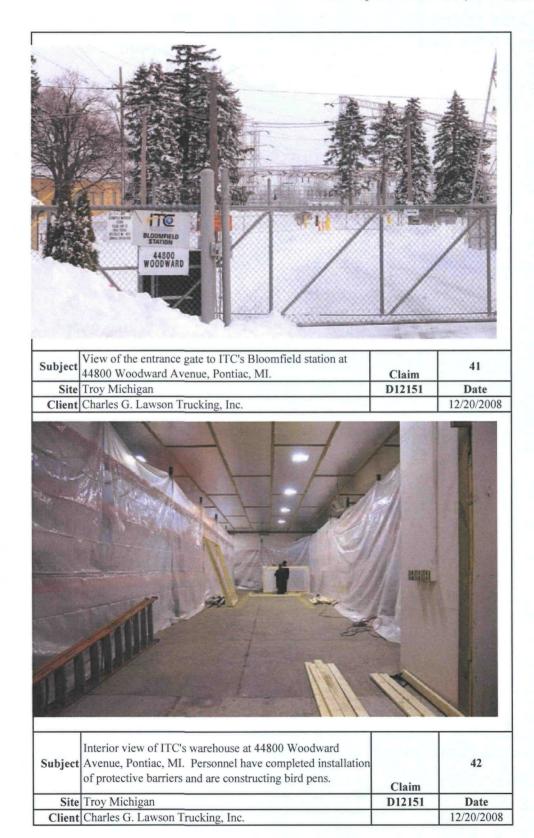


Subject	View of Barnard Drain looking east from the bridge located		39
	southeast of 1400 Stephenson Hwy.	Claim	39
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008



Subject	View of Barnard Drain looking Wast from the bridge located southeast of 1400 Stephenson Hwy.	Claim	40
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008



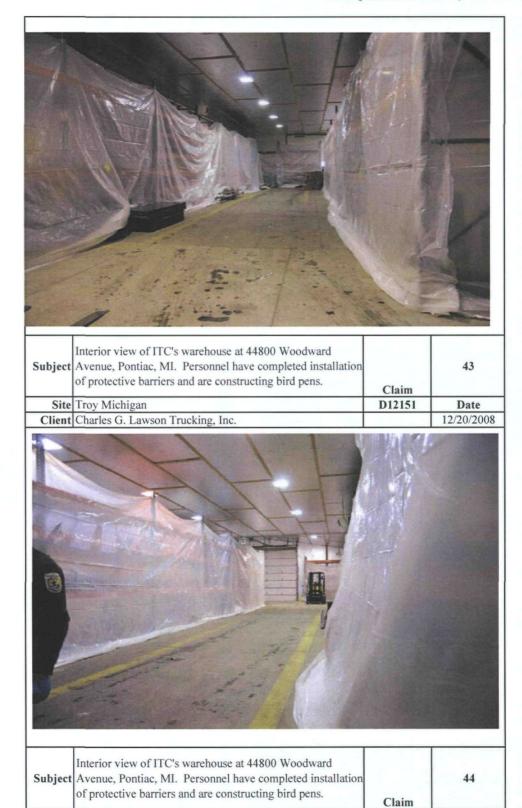


D12151

Date

12/20/2008





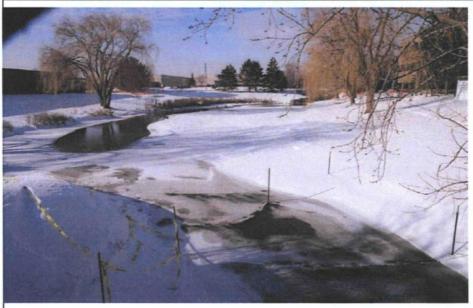
Site Troy Michigan

Client Charles G. Lawson Trucking, Inc.



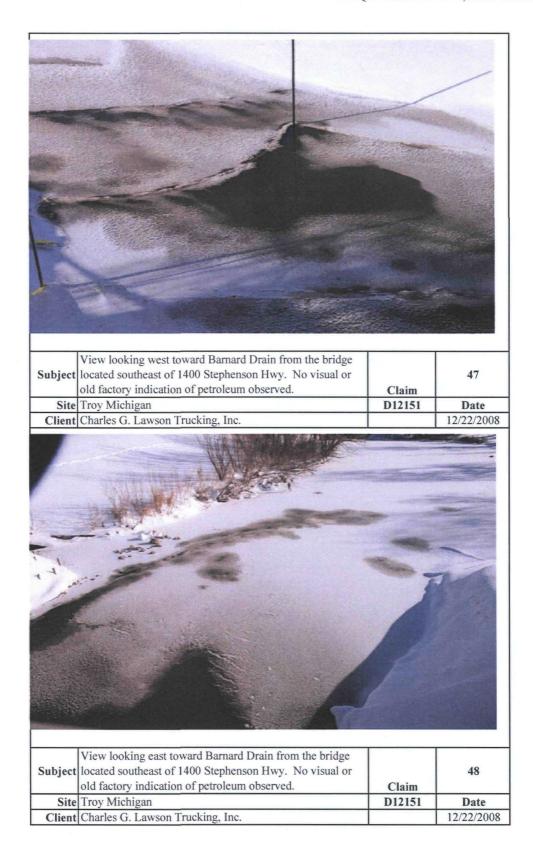


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI. Personnel have completed installation of protective barriers and are constructing bird pens.	Claim	45
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/20/2008

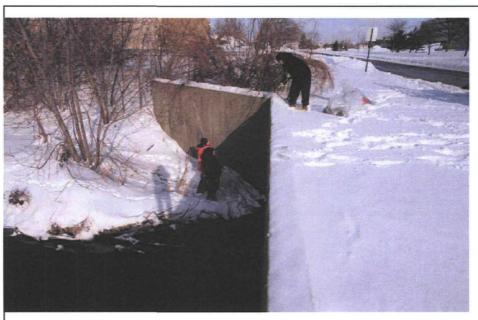


Subject	View looking west toward Barnard Drain from the bridge located southeast of 1400 Stephenson Hwy. No visual or old factory indication of petroleum observed.	Claim	46
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008

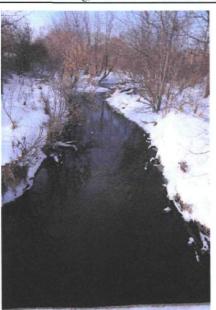






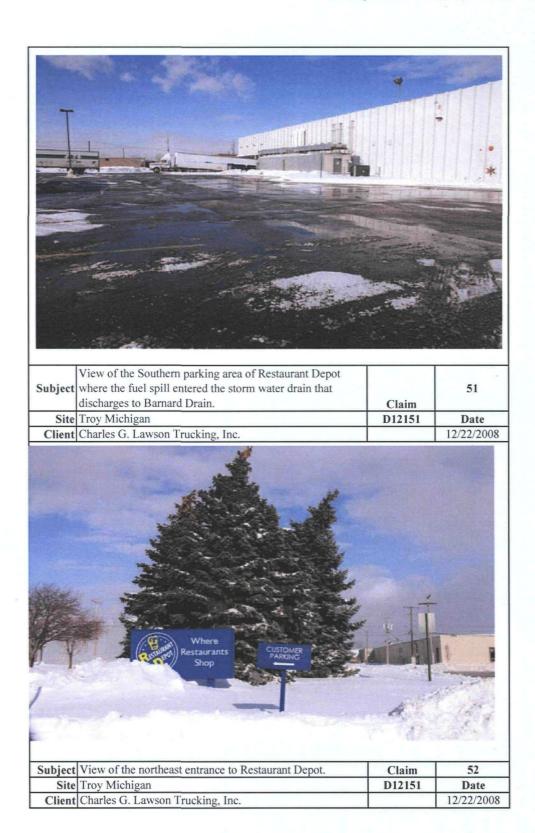


Subject	View looking north across Barnard Drain from the Allen Drive Bridge during the removal of rubberizer booms.	Claim	49
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008



Subject	View looking east from the Allen Drive Bridge along Barnard Drain.	Claim	50
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008









Subject	View of rubberizer boom removal from Barnard Drain near the bridge located southeast of 1400 Stephenson Hwy.	Claim	53
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008

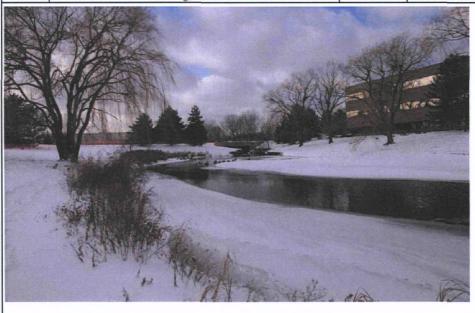


Subject	View looking east along Barnard Drain from the bridge located southeast of 1400 Stephenson Hwy.	Claim	54
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008



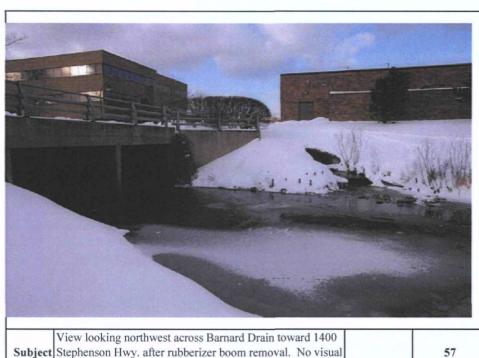


Subject	View looking north across Barnard Drain toward 1400 Stephenson Hwy. Note rubberizer booms have been removed and no visual or olfactory evidence of petroleum was observed.	Claim	55
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008



Subject	View looking west-northwest along Barnard Drain after rubberizer boomer removal. No visual or olfactory evidence of petroleum was observed.	Claim	56
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008





Subject	View looking northwest across Barnard Drain toward 1400 Stephenson Hwy. after rubberizer boom removal. No visual		57
	or old factory indications of petroleum observed.	Claim	
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008



Subject	View of Tri-State personnel baiting geese along the south wall of 1400 Stephenson Hwy.	Claim	58
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/22/2008

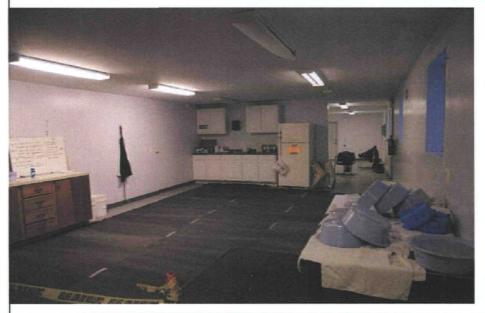






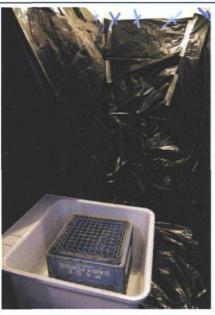


Subject	Exterior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	61
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



SILDIECT	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	62
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



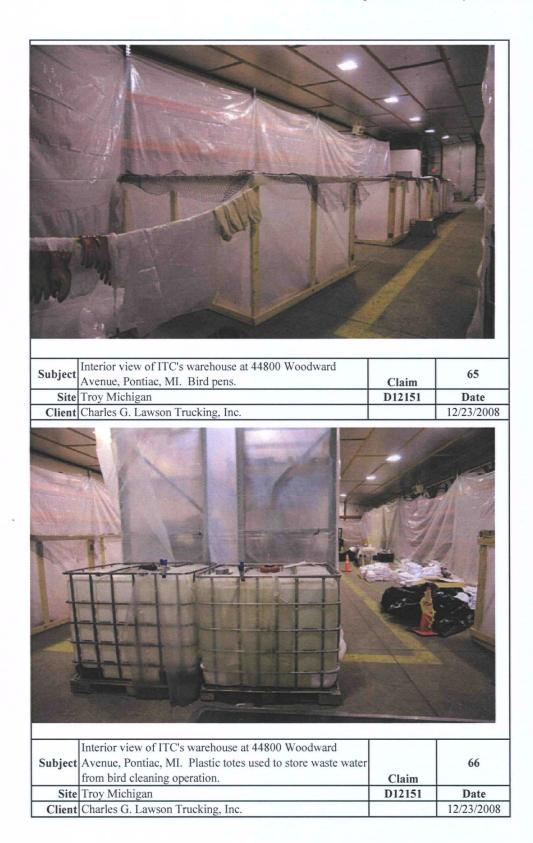


	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI. Goose rinsing area.	Claim	63
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

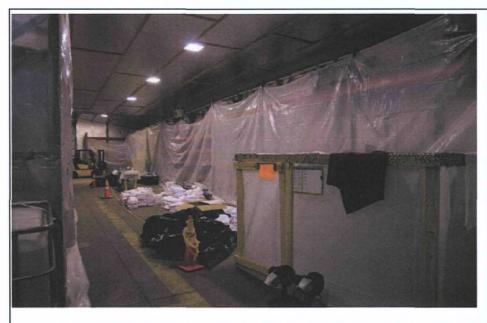


	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI. Goose washing area.	Claim	64
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008









Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI. Bird drying area.	Claim	67
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

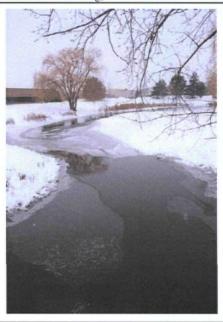


Subject	Interior view of geese in a pen at ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	68
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



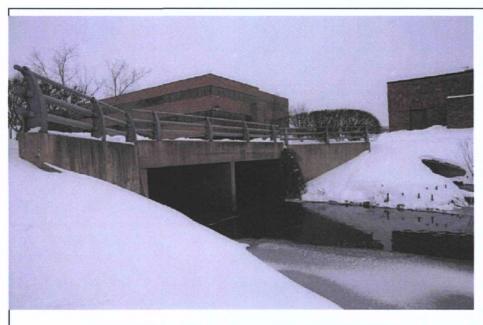


Subject	View looking west from the bridge located southeast of 1400 Stephenson Hwy. Note waste materials and supplies previously staged in this area have been removed for proper disposal.	Claim	69
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



Subject	View looking west a long Barnard Drain from the bridge located southeast of 1400 Stephenson Hwy. No visual or olfactory indications of petroleum observed.	Claim	70
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008





Subject	View looking north west across Barnard Drain toward 1400 Stephenson Hwy. No visual or olfactory indications of petroleum observed.	Claim	71
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



Subject	View of propane fired water heater at ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	72
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



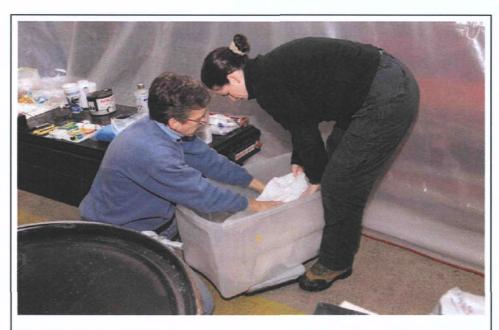


	Tri-State personnel and volunteers involved in bird washing activities at ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	73
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



Subject	View of a recently cleaned bird being dried.	Claim	74
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008





Subject Tri-State personnel weighing a bird.	Claim	75
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/23/2008



Subject	Tri-State personnel taking notes near the bird evaluation and weighing area.	Claim	76
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



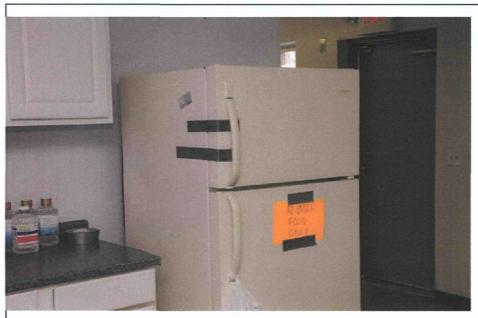


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	77
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

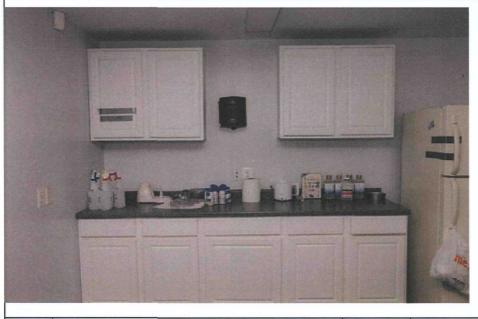


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	78
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008



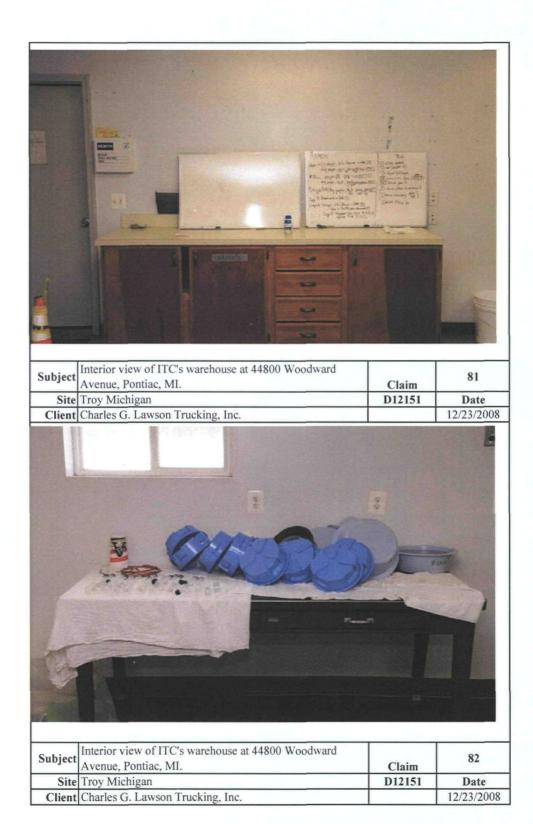


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	79
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

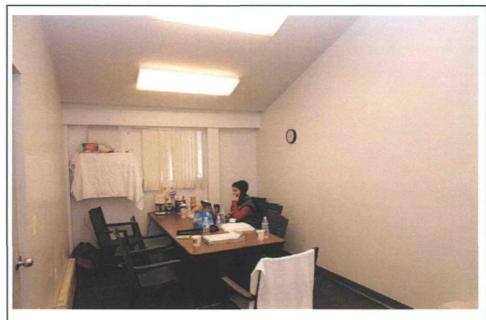


	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	80
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

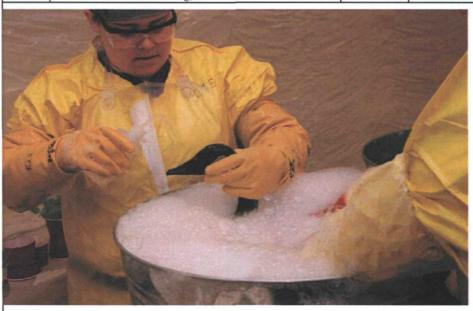






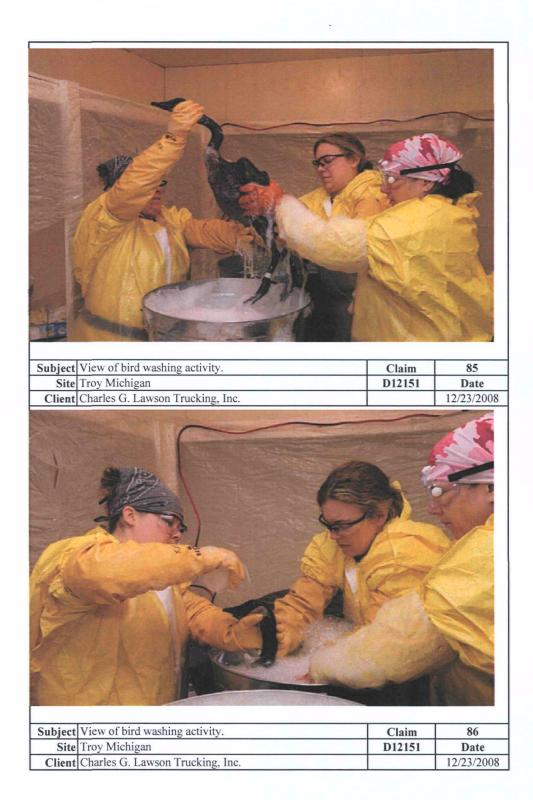


	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI.	Claim	83
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		12/23/2008

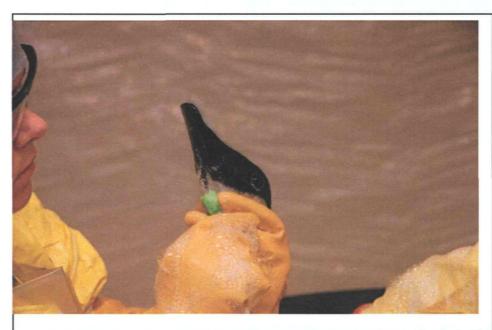


Subject View of bird washing activity.	Claim	84
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/23/2008

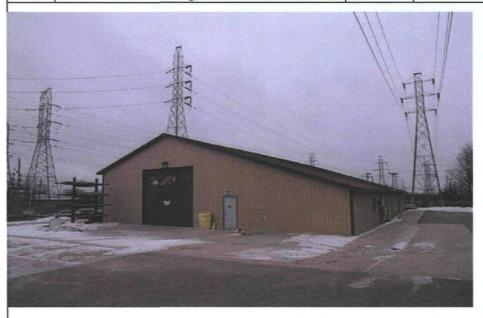






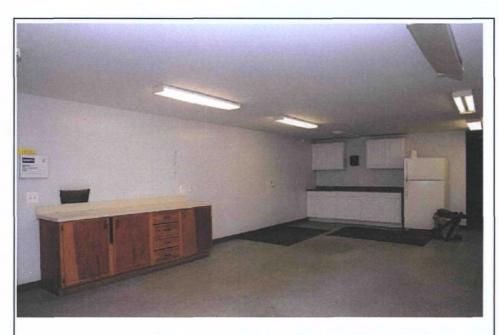


Subject View of bird washing activity.	Claim	87
Site Troy Michigan	D12151	Date
Client Charles G. Lawson Trucking, Inc.		12/23/2008



Subject	Exterior view of ITC's warehouse at 44800 Woodward Ave after demobilization from the facility.	Claim	88
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



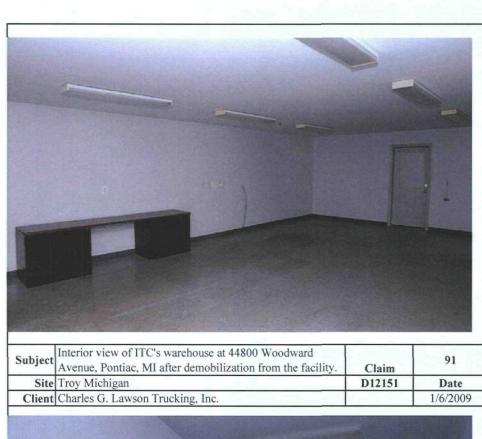


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	89
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	90
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009

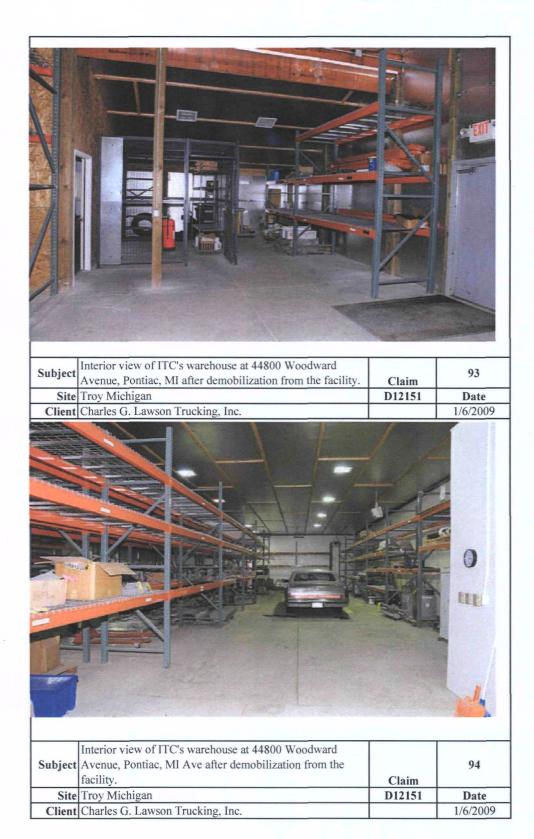




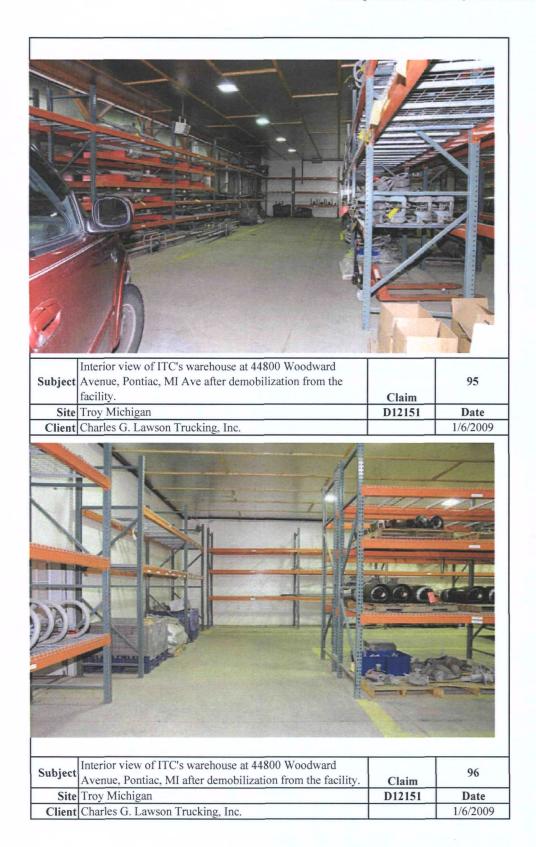


Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	92
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009

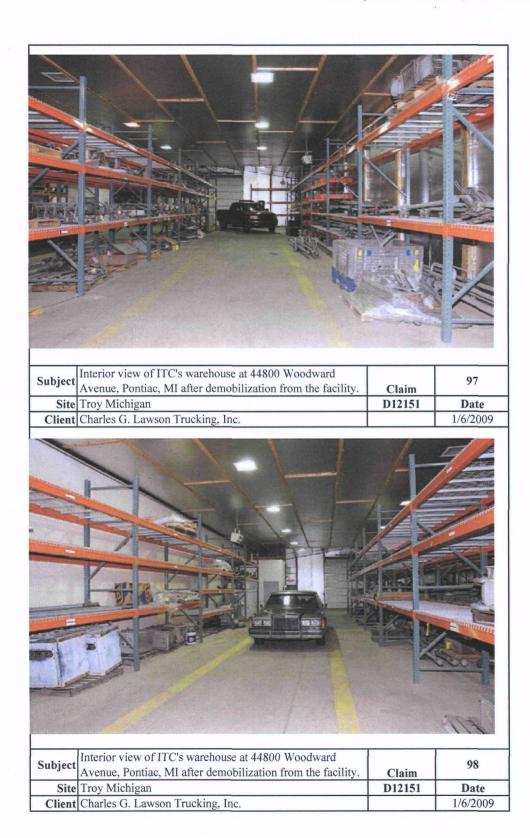




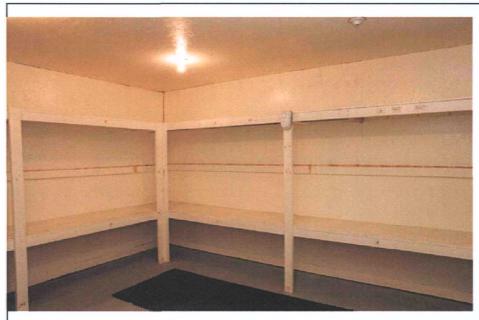




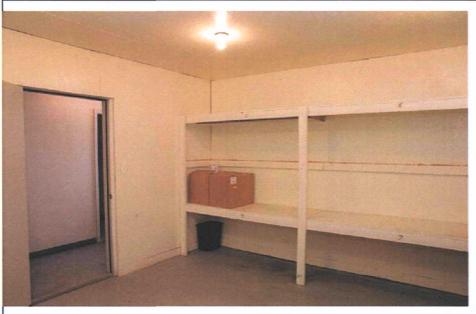








Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	99
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	100
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009





Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	101
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



Subject	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	102
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009





Subject	Interior view of ITC's warehouse at 44800 Woodward		103
Subject	Avenue, Pontiac, MI after demobilization from the facility.	Claim	103
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



	Interior view of ITC's warehouse at 44800 Woodward Avenue, Pontiac, MI after demobilization from the facility.	Claim	104
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009









Subject	Mr. Baron thanking ITC's Mr. Michael McNulty for the use of the ITC warehouse facility at 44800 Woodward Avenue, Pontiac, MI.	Claim	107
	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009



Subject	Mr. Baron thanking ITC's Mr. Michael McNulty for the use of the ITC warehouse facility at 44800 Woodward Avenue, Pontiac, MI.	Claim	108
Site	Troy Michigan	D12151	Date
Client	Charles G. Lawson Trucking, Inc.		1/6/2009

FOLEY, BARON & METZGER, PLLC REPORT TO MDEQ JANUARY 8, 2009



January 8, 2009

Tracy Kecskemeti Michigan Department of Environmental Quality Water Bureau 27700 Donald Court Warren, MI 48092

Re: Charles Lawson Trucking, Inc. / Diesel release in Troy, Michigan

GCWW Claim NO: D 12151

Dear Ms. Kecskemeti:

Our firm represents Charles Lawson Trucking, Inc. ("Charles Lawson Trucking") with respect to the above-noted release. This correspondence will serve as Charles Lawson Trucking's written report that you requested via your December 18, 2008 email to Debbie Henderson at Charles Lawson Trucking.¹

Background of Charles Lawson Trucking

Charles Lawson Trucking is based in Hope Hull, Alabama and has been a family-owned business since it was founded by Charles G. Lawson in 1971. It hauls food-grade commodities throughout the United States and currently has company-owned 250 trailers and company-owned 117 tractors. Charles Lawson Trucking currently employs 165 people.

Release of Diesel Fuel

The release of the diesel fuel occurred on December 16, 2008 in the rear parking lot of Restaurant Depot, located at 1304 East Maple Road in Troy, Michigan. Mr. Travis Sims, a driver for Charles Lawson Trucking, arrived at Restaurant Depot at approximately 12:30 a.m. on December 16, 2008 with a load of fresh chickens. Since Restaurant Depot was closed at that time, Mr. Sims pulled into the parking lot with the intent to wait until it opened at 7:30 a.m.

After Mr. Sims pulled into the parking lot, he noticed a trail of liquid behind his truck. He then inspected his truck and noticed that his left side fuel tank was leaking where the fuel line fitting went into the tank. Mr. Sims notified his dispatcher, who requested a

¹ This report is based upon information we have obtained as well as information we believe to be accurate that we have received from other sources, and we reserve the right to modify or amend this report if new of different information becomes available at a later date.

Charles Lawson Trucking, Inc. / Diesel release in Troy, Michigan GCWW Claim NO: D 12151 January 8, 2009 Page 2

repair company to go to Mr. Sims location to fix the leak. A repair crew from Emergency Fleet Services arrived at approximately 3:30 a.m. and attempted to repair the leak. Apparently, the crew was unable to stop the leak completely and placed two bags of absorbing material around the area where the fuel had leaked. This was the first fuel leak that Mr. Sims had experienced in his 32 years of commercial truck driving.

Mr. Sims waited until 7:30 a.m. and completed his delivery at Restaurant Depot. He made another delivery in Dearborn and then went to a Volvo Dealership which made the final repairs to the fuel system. He then returned to Alabama.

Response Activities

On December 16, 2008, a City of Troy Public Works employee apparently noticed a sheen in a creek near the Restaurant Depot. (See City of Troy Press Release dated December 17, 2008). The creek receives storm water runoff from a storm drain located in the Restaurant Depot parking lot. The Oakland County Drain Commission apparently then contacted MPC Environmental, which arrived at the site in the afternoon on December 16, 2008.

At approximately 6:30 p.m. on December 16, 2008, an adjuster hired by the insurance carrier for Charles Lawson Trucking arrived at the site. He observed employees of MPC Environmental cleaning the area surrounding the sewer drain. (See Photograph No. 1). He spoke with Kevin Hall from MPC, who stated that MPC intended to jet clean the sewer line on December 17, 2008.

MPC continued the cleanup on December 17, 2008 by placing booms in the creek. (See Photograph No. 2). Cleanup continued throughout the day.

On December 18, 2008, Charles Lawson Trucking assumed control of the remediation and entered into a retention agreement with MPC Environmental and arrangements were made to house impacted birds at a nearby heated warehouse, where they were examined and cleaned by Tri-State Bird Rescue & Research, Inc. (See Photograph No. 5- Richard Baron, counsel for Lawson and John Adamson from Lawson's insurance carrier assisting with bird cage construction; and Photo No. 6. Tri-State personnel conducting initial examination and logging of birds; Photo No. 15- Richard Baron Thanking ITC Environmental Manager Michael B. McNulty for the use of the ITC warehouse for the bird housing and cleaning operations.). Debbie Henderson from Charles Lawson Trucking and her husband flew in from Alabama to assist Tri-State with bird feeding and housing operations. (See Photograph Nos. 4 and 5). Local volunteers, from the Howell Nature Center, Michigan Human Society, and others also assisted with these activities.

Charles Lawson Trucking, Inc. / Diesel release in Troy, Michigan GCWW Claim NO: D 12151
January 8, 2009

Page 3

By December 22, 2008, all of the booms were removed from the creek. (See Photograph Nos. 3 and 4). Tri-State successfully released geese on December 28 and 30, 2008. (See Photograph Nos. 9, Brian Phinney, counsel for Lawson, MPC staff and others, Photo 10-Tri-State staff and Photo 11). The last three birds (2 Canada geese and one mallard duck) were successfully released on January 7, 2009, by the Howell Nature Center at the birds' original location.

Education Activities by Charles Lawson Trucking

In order to virtually eliminate the chances of a similar incident occurring the future, Charles Lawson Trucking has or will take the following actions:

- all dispatchers, including dispatchers who receive after hours calls, have been given directions on how to handle fuel spills;
- Charles Lawson Trucking has provided written notice to all of its drivers regarding the proper procedures for handling a fuel spill;
- A safety meeting will be held in January of 2009 to discuss:
 - potential fuel line problems.
 - actions taken to correct the problems, and
 - driver education on responding to fuel spills.
- Spill kits will be issued to every driver and every truck, and every driver will receive training on their use;
- the trucks will be redesigned to prevent similar fuel line breaks, including:
 - plastic fittings will be replaced with brass fittings;
 - shut-off valves will be added to the fuel supply lines;
 - every driver will be notified of the new shut-off valve location.

See Photo 12 showing Lawson fleet tractors; Photo 13 showing the original fuel line-fuel tank connections and Photo 14 showing a modified tank with brass fuel line-tank connectors with in-line fuel shutoff valves.

Donations

Many supplies and other equipment, such as a LP digitally-controlled water heater, were purchased to assist with the bird cleanup, washing, housing and feeding activities. After the successful bird release, these materials were donated to the Howell Nature Center on behalf of Charles Lawson Trucking to assist the Nature Center with their regular animal rehabilitation activities.

Charles Lawson Trucking, Inc. / Diesel release in Troy, Michigan GCWW Claim NO: D 12151 January 8, 2009 Page 4

Please let us know if you would like any additional information regarding the response and activities taken by Lawson to prevent against further recurrences. We will be pleased to address any further questions you may have.

Very truly yours,

FOLEY, BARON & METZGER, PLLC

Lilu & SiBour

Richard S. Baron

Direct Dial: (248) 488-1525

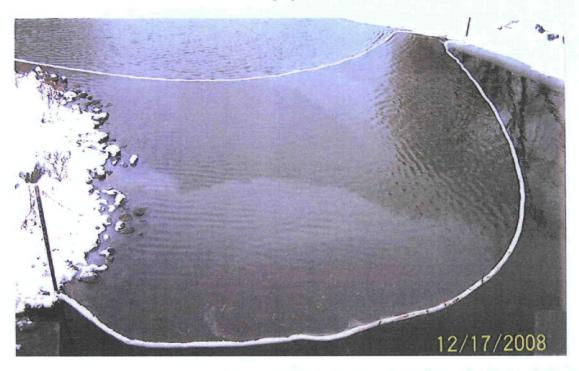
rbaron@fbmlaw.com

RSB/smp

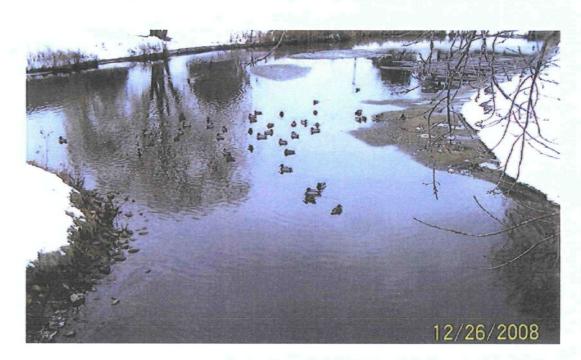
Doc: 39817



Photograph No. 1



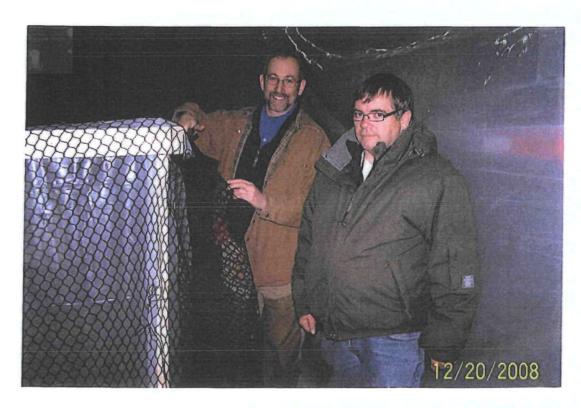
Photograph No. 2



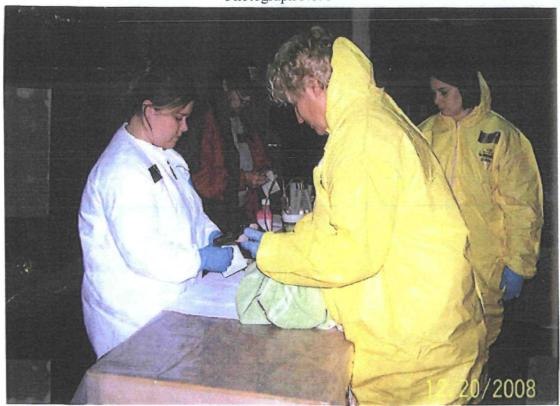
Photograph No. 3



Photograph No. 4



Photograph No. 5



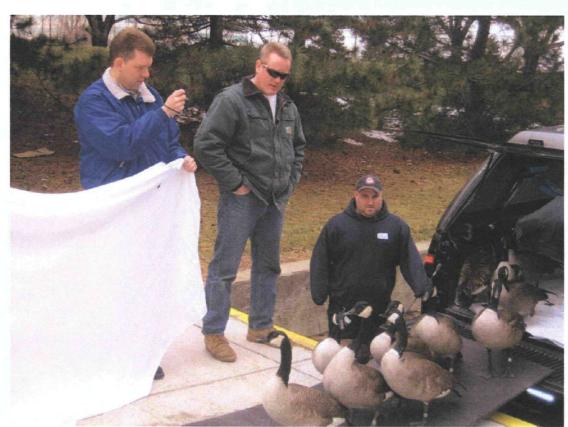
Photograph No. 6



Photograph No. 7



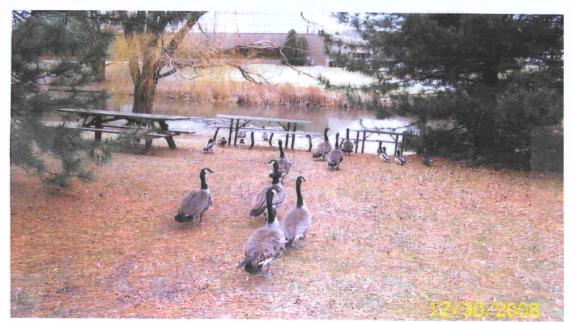
Photograph No. 8



Photograph No. 9



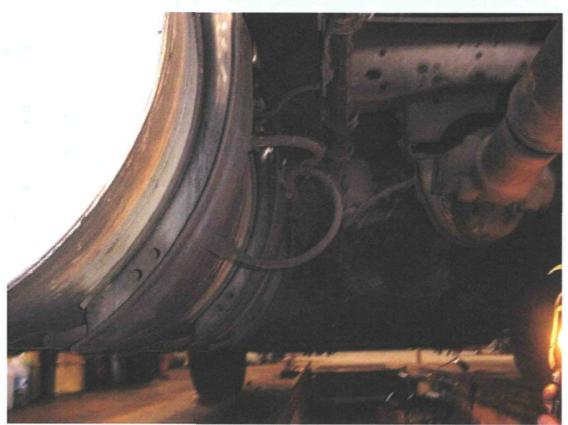
Photograph No. 10



Photograph No. 11



Photograph No. 12



Photograph No. 13



Photograph No. 14



Photograph No. 15